

JOHN T. GORE,

Plaintiff,

vs.

**EL PASO ENERGY CORPORATION
LONG TERM DISABILITY PLAN and
EL PASO ENERGY CORPORATION.**

Defendants.

Case No. 3-02 1008

Judge Trauger
Magistrate Judge Brown

On March 10, 2008, Defendants filed a Motion for Attorneys' Fees as the prevailing parties in this case. (Docket Entry No. 147). In Plaintiff's opposition to same, he disclosed for the first time he has a pending bankruptcy case. Plaintiff filed his Voluntary Petition on January 17, 2005 (Docket Entry No. 1), over three years after he filed this lawsuit. Plaintiff, however, never identified his claims against Defendants as assets in his bankruptcy case. Indeed, to the contrary, Plaintiff has sworn to the Bankruptcy Court that he has no such claims. Plaintiff's sworn misrepresentations judicially estop him from asserting any claims against Defendants now and are an independent basis for the Court to deny Plaintiff's Motion to Reconsider and affirm its Order dismissing this lawsuit.